

Detention: Research, Utilization and Trends

JDAI Research and Policy Series

Detention is a crucial early phase in the juvenile justice process. Detention itself has a significant negative impact on delinquency cases and increases future recidivism. Research has shown that detention is associated with native long-term life outcomes. Detained youth are less likely to complete high school, less likely to avoid future re-arrest, less likely to find employment, and less likely to form stable families than youth in who remain in the community while their cases are pending. Detained youth are also more likely to abuse drugs and alcohol. Providing appropriate alternatives can keep many youth out of the secure detention system.

What We Know:

Detention negatively impacts youth in all areas of life.

Mental Health

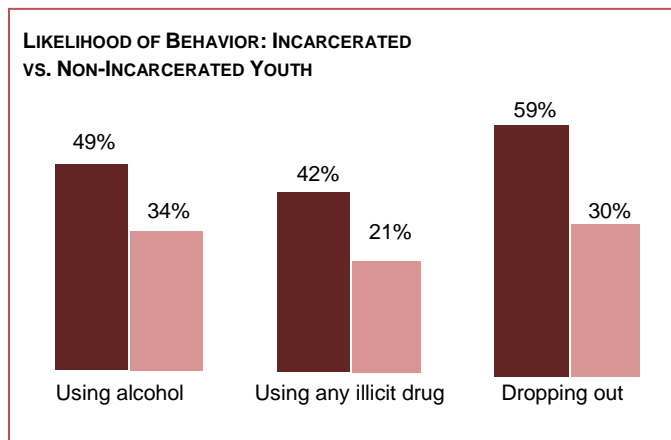
- For **1/3** of incarcerated youth diagnosed with depression, the onset of the depression occurred after they were detained.³
- Youth in detention have a suicide rate **2-4 times** that of youth in the community.⁴

Education and Employment

- **43%** of youth in detention did not return to school upon release, and an additional **16%** enrolled upon release, but dropped out after only 5 months.⁵
- Incarcerated youth are **19%** less likely to graduate than similarly situated, not incarcerated youth.⁶
- High school dropouts are **3.5 times** more likely than high school graduates to be arrested.⁷
- Incarcerated youth work **25-30%** less over the decade after release.⁸

“Instead of mother and father and sisters and brothers and friends and classmates, his world is peopled by guards, custodians, state employees, and ‘delinquents’ confined with him for anything from waywardness to rape and homicide.”²

– U.S. Supreme Court
In Re Gault, 1967



■ Youth that have been detained or incarcerated.

■ Youth that have **not** been detained or incarcerated.

The graphic to the left describes the increased likelihood of using alcohol, illicit drugs, and dropping out once a youth has been incarcerated compared to a youth that was not incarcerated.

See <http://www.ramseyj dai.org/pdf/reports/the-dangers-of-detention.pdf>

Detention increases a youth's chances of recidivism and other negative future outcomes.

- Prior commitment to secure detention is a stronger predictor of recidivism than poor parental relationships, membership in a gang, and carrying a weapon. Prior detention makes a youth **13.5 times** more likely to return to a juvenile justice program in the future.⁹
- Youth who are detained while awaiting resolution of their delinquency case are **3 times** more likely to ultimately be committed than a youth who was in the community pending the outcome of their case.¹⁰
- Females who were arrested and detained as adolescents are **5 times** more likely to die a violent death, while males are **3 times** more likely than their peers to die a violent death.¹¹

Detention uses massive amounts of resources.

- Juvenile incarceration increases the likelihood of adult incarceration **by 22 percentage points**.¹²
- States spend about **\$5.7 billion** incarcerating juveniles each year, even though the majority of them are held for nonviolent offenses.¹³
- The daily cost for hardware secure detention in Massachusetts is approximately **\$300-350** per bed.¹⁴

Promising Practices:

"Detaining youth in facilities prior to adjudication should be an option of last resort only for serious, violent, and chronic offenders and for those who repeatedly fail to appear for scheduled court dates."¹⁵ The data has shown that secure detention does more harm than good for the majority of youth held, especially on minor and nonviolent offenses. Jurisdictions should provide a robust continuum of alternatives to detention based on the risks and needs of the youth awaiting adjudication, within the youth's home community.

Nationally Recognized Alternatives to Detention¹⁶

Outright Release: release to the family or a non-secure residential alternative has not shown an increase in re-arrest prior to final disposition of the case.

Community-Based Treatment and Therapy: This therapy is Multi-Systemic Therapy (MST), which sets goals of increasing parental supervision and focuses on interpersonal, peer, family, and school problems and needs. A study on the Family and Neighborhood Services project (FANS) in South Carolina reported that FANS youth experienced increased family cohesion and reduced aggression with peers. This program was also judged cost effective, at about a fifth the cost of institutional placement.

Supervised Release:

- Home Detention (with or without electronic monitoring) – various studies have shown that youth on home detention are no more likely to reoffend than those held in secure detention.
- Intensive Supervision – an evaluation of a program in San Francisco showed that youth detained for at least 3 days were twice as likely to recidivate than youth on Intensive Supervision.

Day and Evening Reporting Centers – a program in Cook County, IL reports a 92% success rate, which are youth who were not re-arrested while participating in the program. The average participation is 21 days.

Skills Training Programs – information on graduates of Fresh Start in Baltimore had a re-arrest rate of 19% 3 years after graduation, compared to a re-arrest rate of 75% for youth that did not go through the program.

Residential Programs: these programs tend to have negligible rates of new offenses prior to disposition of their case.

Programs and Practices in Massachusetts

- A detention continuum currently exists within the Department of Youth Services. DYS has been utilizing an objective-screening tool since 2010 to assist in the decision-making regarding placement of a youth entering DYS custody into hardware secure, shelter care, or reception center detention. In 2013, over 99% of youth in non-secure settings returned successfully to court and not one youth was re-arrested.
- The Juvenile Court and Probation Department are currently exploring the creation and use of objective screening at the point of initial arraignment to more accurately predict risk of failure to appear for future court dates.

Sources

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http://www.massbudget.org/reports/pdf/Unlocking_Potential_Juvenile_Detention_Funding_3-25-2014.pdf ; Department of Youth Services (DYS).

¹⁵⁻¹⁶ Office of Juvenile Justice and Delinquency Prevention, *Alternatives to the Secure Detention and Confinement of Juvenile Offenders* (September 2005). <https://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>

Compiled by Cara McCartin

Definitions

Detention: legal status created when a juvenile judge places a youth into temporary DYS physical custody pending a future court date.

Hardware Secure Detention: juvenile detention facility with locked doors and heightened security measures.

Shelter Care Detention: a residential staff secure program where the doors are not locked.

Reception Centers/Foster Care Detention: supported foster care placements authorized by DYS to allow youth to remain in their home school pending the outcome of their case.

Home Confinement or House Arrest: a community-based program to restrict the activities of the youth but keep him or her in their home.

Intensive Supervision Programs: non-residential community-based programs that provide services to the youth, frequent supervision, and collaboration with the probation officer and/or social worker.

Day or Evening Treatment: non-residential community-based program that requires the youth to report to a treatment facility on a daily basis at a certain time to complete treatment and programs.

Alternatives to Detention: a location or supervision that allows a juvenile with an open delinquency matter to remain out of hardware secure detention pending further court action.

Diversion: an attempt to channel out youth from the justice system.

Recidivism: a person's relapse into criminal behavior after he or she has received sanctions and/or treatment.

The JDAI Research and Policy Series is provided by the **Juvenile Detention Alternative Initiative**, which seeks to ensure that *the right youth, is in the right place, for the right reasons*.

For more information, or to view the entire Research and Policy Series, visit www.mass.gov/jdai